

MANDATE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: 9/15/08

S.D.N.Y. - N.Y.C.
07-cv-7070
Rakoff, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 1st day of August, two thousand eight,

Present:

Hon. Sonia Sotomayor,
Hon. Robert A. Katzmann,
Hon. Richard C. Wesley,
Circuit Judges.

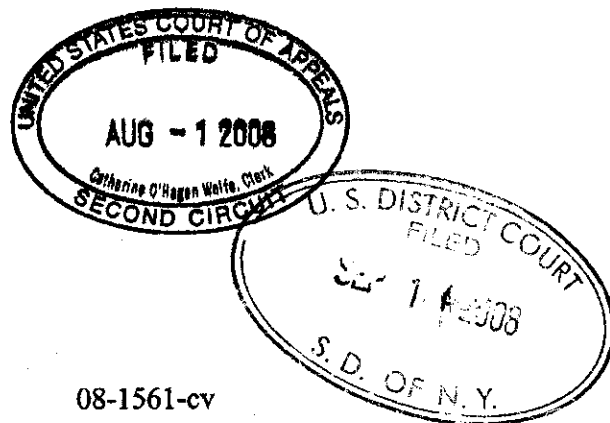
Mac Truong,

Plaintiff-Appellant,

v.

Steven P. Kartzman, *et al.*,

Defendants-Appellees.



08-1561-cv

Appellant moves to, *inter alia*, disqualify appellees from being appellees in the present appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e); *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995). Appellant's pending motion is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: *Franklin Remy*

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by *John A. Seaton*
DEPUTY CLERK
SAO-KFW

ISSUED AS MANDATE: SEP 11 2008